

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 21260**

Application 31448 of

Gary B. Lee, Lois M. Lee, Bert Lee, Jr., Louella Lee,  
Ventura Council of Boy Scouts of America, Roy A. Hales,  
Nancy D. Hales, Robert G. Yost, Trudy A. Yost.  
12471 Boy Scout Camp Road  
Frazier Park, CA 93225

filed on **September 16, 2003**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

**Permittee is hereby authorized to divert and use water as follows:**

1. Source of water

Source:

**North Fork Lockwood Creek**

Tributary to:

**Lockwood Creek thence Piru Creek thence Santa Clara River**

within the County of **Ventura**

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 5	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>Diversion to Offstream Storage in Lake Wood North 2,105,314 feet and East 6,214,047 feet</b>	<b>SE¼ of NE ¼</b>	<b>24</b>	<b>8N</b>	<b>22W</b>	<b>MD</b>

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Domestic</b>	<b>Camp Three Falls within SW ¼ of SW ¼ and SE ¼ of SW ¼</b>	<b>29</b>	<b>8N</b>	<b>21W</b>	<b>MD</b>	
<b>Irrigation</b>	<b>SE ¼ of SW ¼</b>	<b>29</b>	<b>8N</b>	<b>21W</b>	<b>MD</b>	<b>1</b>
<b>Recreational</b>	<b>Lake Wood NE ¼ of SW ¼ and SE ¼ of +SW ¼</b>	<b>29</b>	<b>8N</b>	<b>21W</b>	<b>MD</b>	
<b>Fire Protection</b>		<b>29</b>	<b>8N</b>	<b>21W</b>	<b>MD</b>	

The place of use is shown on map filed with the State Water Board.

5. The water appropriated shall be limited to the quantity, which can be beneficially used and shall not exceed **18** acre-feet per annum to be collected from **November 1** of each year to **April 1** of the succeeding year. (000005C)
6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)
7. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, **2020**. (000009)
8. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (000022)
9. Permittee shall install and maintain devices satisfactory to the State Water Board to measure the rate and quantity of water diverted into the reservoir from **North Fork Lockwood Creek**, and water released from or flowing out of the reservoir. (0060046)
10. For the protection of fish and wildlife, permittee shall during the period: from **November 1** through **April 1** bypass a minimum of **0.21** cubic foot per second. The total streamflow shall be bypassed whenever it is less than the designated amount. The permittee shall submit a compliance plan, satisfactory to the Deputy Director for Water Rights, which describes how the bypass flows required by the conditions of this permit will be measured and maintained. (0140060)

11. Permittee shall install a device, satisfactory to the State Water Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained.  
(0060062B)
12. The total quantity of water diverted under this permit, together with that diverted under the license issued pursuant to Application **5202**, shall not exceed **99** acre-feet per annum.  
(0000114b)
13. Prior to any future maintenance/repair of the diversion by the permittee that could result in the disturbance of natural vegetative communities or the streambed of North Fork Lockwood Creek, including areas near the point of diversion, the pipeline, or the outlet to the reservoir at Camp Three Falls, a qualified biologist approved by the Deputy Director for Water Rights shall conduct a pre-activity biological survey to determine if this could impact special-status plants or animals. If it is determined that special-status plants or animals could be impacted, the qualified biologist shall conduct an impact assessment, propose avoidance/minimization measures, and mitigation measures (if required). No maintenance/repair or other construction activities associated with the diversion shall occur until a plan has been developed to avoid/minimize impacts to special status biological resources and approval has been granted by the relevant regulatory agencies.  
(0400500)
14. To improve habitat quality for fish and wildlife, the permittee shall, if feasible and compatible with current use, enhance habitat at the reservoir at Camp Three Falls. Examples could include adding a few logs and planting additional riparian vegetation such as willows (*Salix* spp.) and cottonwoods (*Populus* spp.) and/or emergent vegetation plugs such as cattails (*Typha* spp.), sedges (*Carex* spp.), and rushes (*Juncus* spp.).  
(0140500)
15. No non-native fish shall be planted in the reservoir.  
(0140500)
16. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.  
(0000215)

**ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. No water shall be diverted under this permit until permittee obtains a long-term water supply covering those periods when water is not available for diversion pursuant to this permit. Permittee shall submit documentation subject to review and approval by the Deputy Director for Water Rights that an alternate water supply has been secured for the development period under this permit. The alternate water supply must be equivalent to the diversion quantities scheduled for use under this permit.

- B. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- C. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board (State Water Board) until a license is issued. (0000010)
- D. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- E. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.  
The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.  
  
The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)
- F. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
- G. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the

permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- H. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

- I. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

***This permit is issued and permittee takes it subject to the following provisions of the Water Code:***

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

*ORIGINAL SIGNED BY  
JAMES W. KASSEL FOR*

*Victoria A. Whitney  
Deputy Director for Water Rights*

Dated: **July 23, 2010**